

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK

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EDWIN CRESPO, et al.,

Plaintiffs,

v.

NEW YORK CITY POLICE  
OFFICER JOSEPH FRANCO, et al.,

Defendants.

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USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
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DATE FILED: 5/10/2024

**UNSEALING  
ORDER**

22-CV-7345 (PKC)(JLC)

**WHEREAS**, on or about May 6, 2024, the Court directed the parties in the matter *Edwin Crespo, et al. v. Joseph Franco, et al.*, 22-CV-07345 (“the Action”) to settle an order, by submitting a proposed order, directing the process for the production of records from *People of the State of New York v. Joseph Franco*, and

**WHEREAS**, on or about February 7, 2024, plaintiffs served a subpoena duces tecum (“the Subpoena”) on nonparty New York County District Attorney (“DANY”) pursuant to Fed. R. Civ. P. 45, in which plaintiffs sought production of, *inter alia*, DANY’s files in the matter of the state criminal prosecution entitled *People of the State of New York v. Joseph Franco*, which proceeded pursuant to Indictment Nos. 1257/2019 and 2147/2019 (hereinafter, “the Franco Prosecution”); and

**WHEREAS**, on or about March 22, 2024, this Court entered an order unsealing DANY’s records of the Franco Prosecution, but allowing DANY to make any objections to production it made in good faith until overruled by the Court (Dkt. 122); and

**WHEREAS**, DANY subsequently produced in response to this subpoena (1) copies of the accusatory instruments from additional state criminal prosecutions of former criminal defendants (“Related Prosecutions”), (2) accusatory instruments from the Franco Prosecution, and (3) copies of the transcripts of opening statements and testimonial proceedings of the Franco Prosecution, all of which redacted the names of any of the defendants in the Related Prosecutions, on the grounds that the Related Prosecutions were themselves sealed pursuant to CPL § 160.50; and

**WHEREAS**, on May 6, 2024, this Court also entered an order directing Defendant Franco to produce nonprivileged materials in his file about the Franco Prosecution, other than those already produced by DANY, on a rolling basis to Plaintiffs by June 11, 2024 (Dkt. 126); and

**WHEREAS**, the Court agrees that the identities of the defendants in the Related Prosecutions are relevant and potentially discoverable in this litigation, subject to protection by the previously-entered protective order governing Confidential Information in this litigation (Dkt. 74); therefore:

*[this space is intentionally left blank]*

It is hereby ORDERED that by June 3, 2024, the District Attorney's Office will mail the notice form attached to this Order as Exhibit A to the last known address for each of the defendants in the Related Prosecutions. On June 12, this Court will hold a hearing at 500 Pearl Street, New York, NY 10007 in Courtroom 21-D, to address any objections raised by the defendants in the Related Prosecutions for the unsealing of their identities. Unless the Court finds otherwise at that hearing, pursuant to Fed. R. Civ. P. 26 and 45 and this Court's authority to order production of sealed state court records, DANY will provide copies of versions of the previously-produced records from the Franco Prosecution with no redactions to the defendants' names in response to Plaintiffs' subpoena, and so that Defendant Franco may potentially make appropriate productions as well in response to Plaintiffs' previously-issued discovery request.

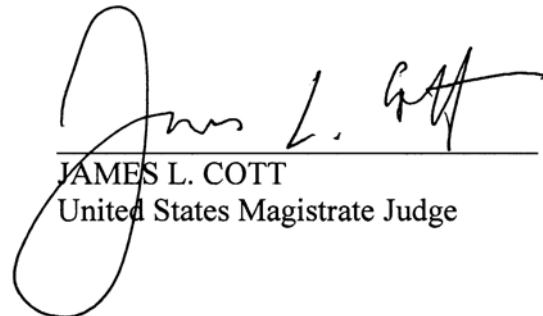
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**SO ORDERED.**

DATED: May 10, 2024  
New York, NY

  
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JAMES L. COTT  
United States Magistrate Judge